



Docket No. 31896-066100 (AHP98126 1C1)

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bradley A. Ozenberger *et al.*

Application No.: 09/774,936

Art Unit: 1647

Filed: 01/31/2001

Examiner: Stephen Gucker

For: β -Amyloid Peptide Binding Proteins
and Polynucleotides Encoding The Same

Customer No.: 22204

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION PURSUANT TO 37 CFR 1.78(a)(3)

Applicants respectfully request the Commissioner to accept the priority claim of the present application. The present application is a continuation of U.S. Patent Application Serial No. 09/172,990, filed October 14, 1998, now pending, which is a continuation-in-part of U.S. Patent Application Serial No. 09/060, 609, filed April 15, 1998, now abandoned, which claims benefit of U.S. Provisional Application 60/064,583, filed April 16, 1997. Applicants submit that the entire delay between the date the priority claim was due under 37 CFR 1.78(a)(2)(ii) and the date the priority claim is filed is unintentional. A surcharge set forth in 37 CFR 1.17(t) is included herewith.

Respectfully submitted,

Raymond Van Dyke
Reg. No. 34,746

Nixon Peabody LLP
Suite 900
401 9th Street
Washington D.C. 2004-2128
Tel: (202) 585-8250
Fax: (202) 585-8080

07/19/2004 MBLANCO 0000005 192380 09774936
01 FC:1453 1330.00 DA